

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Dr. Augusto Baronio Martins,

Complainant,

vs.

Case 01-06-040

Cingular Wireless (formerly known as Pacific Bell  
Wireless),

Defendant.

**INTERIM CHIEF ADMINISTRATIVE LAW JUDGE'S RULING  
ON AUTOMATIC REASSIGNMENT**

The Commission's Rules of Practice and Procedure, Rules 63.1-63.10 specify the exclusive means for a party to a proceeding to request reassignment of that proceeding to another Administrative Law Judge (ALJ). These rules provide for three forms of Petition for Reassignment (Petition): automatic (Rule 63.2), unlimited preemptory (Rule 63.3), and cause (Rule 63.4). The first two, automatic and preemptory, are only available in proceedings categorized as adjudicatory or ratesetting.

On November 20, 2002, Dr. Augusto Baronio Martins (Martins) filed a Petition for Reassignment of this proceeding from ALJ Bertram D. Patrick to another ALJ. This Petition was filed under Rule 63.4 and thereby seeks reassignment for cause. As provided in Rule 63.4, I have consulted with the President of the Commission and am issuing a ruling on that Petition.

**Timely Filed**

The rules require this Petition to be filed no later than 10 days after Martins discovered facts supporting the Petition. Martins filed a complaint on April 10, 2001, that proceeded under the Commission's Expedited Complaint Procedure (ECP). On

August 9, 2002, in Decision (D.) 02-08-035, the Commission granted rehearing. The matter has not yet been categorized or assigned to a new ALJ.

However, on November 13, 2002, ALJ Patrick, the ALJ assigned to the original proceeding, issued a ruling that Martins alleges gave him concern as to whether he would receive a fair hearing on the rehearing. Martins timely filed his Petition for Reassignment on November 20, 2002.

**Properly Supported**

The Rules require that a Petition be supported by a declaration under penalty of perjury. Martins included such a declaration with his Petition.

Therefore, **IT IS RULED** that the Petition for Reassignment for Cause, filed by Martins is granted.

Dated December 10, 2002, at San Francisco, California.

/s/ Carol A. Brown

Carol A. Brown, Interim Chief  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Interim Chief Administrative Law Judge's Ruling on Automatic Reassignment on all parties of record in this proceeding or their attorneys of record.

Dated December 10, 2002, at San Francisco, California.

/s/ Jovita A. Chan  
Jovita A. Chan

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.